

REMARKS

Reconsideration and withdrawal of the rejection of all the claims now in the application (i.e., claims 1-20 and 22-26) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially the Examiner rejected the claims because he considered the language added to define the bottom facing surfaces of FIG. 8 was not properly defined as parallel to or co-linear with the bone contacting surface. Further, the Examiner felt that since the recess is clearly not along a line defined by the bone-contacting surface, it is impossible for the surface to be "co-linear". The Examiner then objected to the Applicants' definition that the multi-section internal portion of the insert was complimentary to the internal surface of the opening since he considered the threaded bore of the insert to be an internal surface not complimentary to the aperture in the bone plate.

Applicants have amended the independent claims 1 and 16 in order to overcome these objections.

The Examiner then rejected all the claims as being obvious over a combination of Haag et al. U.S. Patent No. 5,976,141 in view of Richelsoph U.S. Patent No. 6,017,345. Applicants have amended the independent claims to require that the elongate opening have sidewalls which extend parallel to the longitudinal axis of the load bearing element or bone plate and are perpendicular to the bone contacting surface thereof. Neither Haag et al. or Richelsoph teach an aperture having sidewalls extending parallel to the longitudinal axis of the bone plate and being planar in nature by extending perpendicular to the locally flat bone contacting surface of the bone plate. The claims have been amended to refer to this flat surface which is discussed in paragraph 26, lines 16-18 of the application. Richelsoph has a circular bore which clearly has no portions

extending parallel to the longitudinal axis of the bone plate therein. Such a structure for the aperture and insert sidewalls is not taught or suggested by either reference and therefore Applicants believe that such a structure is not obvious.

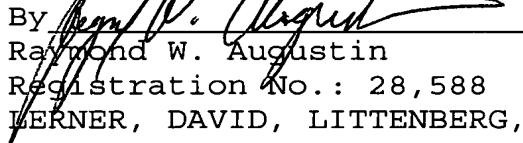
As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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